

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1-32. (canceled)

33.(new): Railway rail handling apparatus configured for track side operation comprising ground engaging wheel means and rail moving means, which is configured to engage a railway rail along part of its length, the rail moving means being further configured for its progressive movement longitudinally along the rail as the railway rail handling apparatus moves on the ground engaging wheel means and, as the rail moving means so moves, for progressive bending of the rail laterally of an unbent part of the rail to thereby the rail from a first position to a second position, the ground engaging wheel means defining a footprint of the apparatus on the ground, and the rail moving means being, in use, operative within the footprint.

34. (new): Railway rail handling apparatus configured for track side operation comprising ground engaging wheel means and railway rail raising means operable to raise part of a rail above the ground, the ground engaging wheel means defining a footprint of the apparatus on the ground, and the railway rail raising means being, in use, operative within the footprint.

35. (new): The apparatus of claim 34 in which the railway rail raising means is operable at several positions between the support members.

36. (new): The apparatus of claim 33 wherein the rail moving means is configured to support a part of rail above the ground.

37. (new): The apparatus of claim 33 in which the railway rail handling apparatus is configured for steering of the ground engaging wheel means over the ground.

38. (new): The apparatus of claim 33 in which the railway rail handling apparatus is configured to move only one rail from a first position to a second position at a time.

39. (new): The apparatus of claim 33 further comprising a plurality of spaced apart support members mounted on the ground engaging wheel means and supporting the rail moving means for operation in a space between said support members.

40. (new): The apparatus of claim 39 in which said support members are spaced by a distance of 1 m in a transverse direction.

41. (new): The apparatus of claim 39 in which the apparatus further comprises a chassis means extending between the apparatus support members.

42. (new): The apparatus of claim 41 in which the length of the chassis is approximately 1 m.

43. (new): The apparatus of claim 41 in which the <sup>⊙</sup> height from the ground to the chassis is approximately 1 m.

44. (new): The apparatus of claim 41 in which the chassis means is supported by four spaced apart support members.

45. (new): The apparatus of claim 44 in which the support members are spaced by approximately 1 m in a longitudinal direction.

46. (new): The apparatus of claim 33 in which the overall length of the apparatus on the ground engaging wheel means is approximately 1.7 m.

47. (new): The apparatus of claim 41 in which the chassis means comprises a platform that defines an aperture through which the rail moving means depends.

48. (new): The apparatus of claim 33 in which the rail moving means is configured to be extendible.

49. (new): The apparatus of claim 33 configured for movement of the rail moving means on the railway rail handling apparatus laterally of a rail engaged in the rail moving means.

50. (new): The apparatus of claim 33 in which the rail moving means is configured to swivel in relation to the railway rail handling apparatus.

51. (new): The apparatus of claim 50 in which the rail moving means has an elongate body, with a first end of the elongate body mounted to swivel on the apparatus and a second opposite end of the elongate body configured to engage a rail.

52. (new): The apparatus of claim 33 in which the rail moving means comprises user operable arresting means for arresting movement of the rail moving means in relation to the apparatus in a direction lateral of a rail.

53. (new): The apparatus of claim 33 in which the rail moving means is configured to permit rotational movement of the supported rail in relation to the railway handling apparatus about a substantially vertical axis.

54. (new): The apparatus of claim 33 in which the rail moving means is configured to completely encircle a part of the length of rail engaged by the rail moving means.

55. (new): The apparatus of claim 54 in which the rail moving means includes a gate means openable to allow a rail to be received by the rail moving means.

56. (new): The apparatus of claim 33 in which the rail moving means is configured for ease of its movement longitudinally along a rail engaged by the rail moving means by means of one or more of a roller, a bearing and a low friction surface.

57. (new): The apparatus of claim 33 further comprising railway rail raising means operable to raise an end of a rail towards the rail moving means.

58. (new): The apparatus of claim 33 in which the ground engaging wheel means comprises at least one pair of continuous chain tread means.

59. (new): The apparatus of claim 58 comprising two continuous chain tread means, the two continuous chain tread means being spaced apart to substantially the same extent as a standard rail to rail spacing.

60. (new): The apparatus of claim 58 in which the continuous chain tread means is of a length at least as great as a standard spacing of railway sleepers.

61. (new): The apparatus of claim 33 including a generator of motive power whereby the apparatus is self-propelled.

62. (new): The apparatus of claim 57 wherein the railway raising means includes a block and tackle.

63. (new): Railway rail handling apparatus configured for track side operation comprising ground engaging wheel means and rail moving means, which is configured to engage a railway rail along part of its length, the rail moving means being further configured for its progressive movement longitudinally along the rail as the railway rail handling apparatus moves on the ground engaging wheel means and, as the rail moving means so moves, for progressive bending of the rail laterally of an unbent part of the rail to thereby move the rail from a first position to a second position, the railway rail handling apparatus defining a footprint on the ground, and the rail moving means being, in use, operative within the footprint.

64.(new): Railway rail handling apparatus configured for track side operation comprising ground engaging wheel means and railway rail raising means, the railway rail handling apparatus defining a footprint of the apparatus on the ground, and the railway rail raising means being, in use, operative within the footprint.

65. (new): A method of handling a railway rail by means of a railway rail handling apparatus which is configured for track side operation and comprises ground engaging wheel means, the method comprising

engaging a railway rail along part of its length by a rail moving means of the railway rail handling apparatus, and

moving the railway rail handling apparatus on the ground engaging wheel means to progressively move the rail moving means longitudinally along the rail to progressively bend the rail laterally of an unbent part of the rail to thereby move the rail from a first position to a second position, in which the rail moving means is operated within a footprint on the ground of the ground engaging wheel means.

66. (new): A method of handling a railway rail by means of a railway rail handling apparatus which is configured for track side operation and comprises ground engaging wheel means, the method comprising

engaging a railway rail along part of its length by a rail moving means of the railway rail handling apparatus, and moving the railway rail handling apparatus on the ground engaging wheel means to progressively move the rail moving means longitudinally along the rail to progressively bend the rail laterally of an unbent part of the rail to thereby move the rail from a first position to a second position, in which the rail moving means is operated within a footprint on the ground of the railway rail handling apparatus.

67. (new): The apparatus of claim 34 in which the railway rail handling apparatus is configured for steering of the ground engaging wheel means over the ground.

68. (new): The apparatus of claim 34 in which the railway rail handling apparatus is configured to raise only one rail from a first position to a second position at a time.

69. (new): The apparatus of claim 34 further comprising a plurality of spaced apart support members mounted on the ground engaging wheel means and supporting the railway rail raising means for operation in a space between said support members.

70. (new): The apparatus of claim 69 in which said support members are spaced by a distance of 1 m in a transverse direction.

71. (new): The apparatus of claim 69 in which the apparatus further comprises a chassis means extending between the apparatus support members.

72. (new): The apparatus of claim 71 in which the length of the chassis is approximately 1 m.

73. (new): The apparatus of claim 71 in which the height from the ground to the chassis is approximately 1 m.

74. (new): The apparatus of claim 71 in which the chassis means is supported by four spaced apart support members.

75. (new): The apparatus of claim 74 in which the support members are spaced by approximately 1 m in a longitudinal direction.

76. (new): The apparatus of claim 34 in which the overall length of the apparatus on the ground engaging wheel means is approximately 1.7 m.

77. (new): The apparatus of claim 34 in which the ground engaging wheel means comprises at least one pair of continuous chain tread means.

78. (new): The apparatus of claim 77 comprising two continuous chain tread means, the two continuous chain tread means being spaced apart to substantially the same extent as a standard rail to rail spacing.

79. (new): The apparatus of claim 77 in which the continuous chain tread means is of a length at least as great as a standard spacing of railway sleepers.

80. (new): The apparatus of claim 34 including a generator of motive power whereby the apparatus is self-propelled.

81. (new): The apparatus of claim 34 wherein the railway raising means includes a block and tackle.